

<b>Subject:</b>	Review of Hackney Carriage and Private Hire Drivers Licence	<b>Status:</b>	For Publication
<b>Report to:</b>	Licensing Committee	<b>Date:</b>	4 <sup>th</sup> June 2013
<b>Report of:</b>	Director of Business	<b>Portfolio Holder:</b>	Customers, Legal and Licensing
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	Yes	Attached: No
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: N/A
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<b>1.</b>	<b>RECOMMENDATION(S)</b>
1.1	That the committee resolve to amend the Policy for the licensing of hackney carriage drivers and vehicles, private hire drivers, vehicles and operators by extending the duration of a hackney carriage and private hire driver badge to a period of 3 years from 1 year.
1.2	That the committee resolve to amend the Policy for the licensing of hackney carriage drivers and vehicles, private hire drivers, vehicles and operators by removing the requirement for hackney carriage and private hire driver's to obtain an annual statutory declaration.
1.3	That the committee resolve to amend the Policy for the licensing of hackney carriage drivers and vehicles, private hire drivers, vehicles and operators and adopt a procedure for a direct check on a hackney carriage and private hire drivers DVLC licence.
1.4	That the committee resolve to a phased approach to these changes over a 3 year period as follows: <ul style="list-style-type: none"> <li>Hackney carriage and private hire drivers would remain on an annual licence until such time as they are required to obtain their enhanced disclosure from the disclosure &amp; barring service.</li> </ul>
1.5	That the committee resolve to agree a new fee of £255 for a 3 year driver licence.
1.6	That the committee resolve to agree an implementation date of 1 <sup>st</sup> August 2013.

## 2. PURPOSE OF REPORT

- 2.1 The Council is required to make a cut of £1.5m from its revenue budget as part of its medium term financial strategy. It seems prudent therefore to review the Council's procedures and fees, whilst at the same time balancing the need for effective regulation of the taxi trade.
- 2.3 The purpose of the report is to seek members' approval for the proposed policy amendments for implementation on 1<sup>st</sup> August 2013.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
  - Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.

- **Clean and Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

#### 4. RISK ASSESSMENT IMPLICATIONS

4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Reputational: Any review needs to balance the need for effective regulation of the taxi trade and cost of administration of the licence.
- A three year hackney carriage and private hire drivers licence would enable drivers to continue to be licensed by this Authority for a long period of time whilst having motoring or criminal convictions which, had we been made aware of, would have rendered them not a 'fit and proper' person to be a driver – this risk is reduced by the recommendation at 1.3 of this report

#### 5. BACKGROUND AND OPTIONS

5.1 The subject of the hackney carriage and private hire driver badge duration has been ongoing at various meetings for some time. At a meeting of the Licensing Committee on Tuesday 4<sup>th</sup> September 2012, members were given an update on the hackney carriage and private hire driver licence and resolved: Commence consultation and fully explore the implications of an annual, bi-annual and 3 year driver licence and a review of the administrative processes associated with any changes to the driver licence arrangements.

5.2 The Licensing & Enforcement Unit (LEU) have consulted with the taxi trade in relation to the following proposals:

- An increase in the duration of hackney carriage and private hire driver licence to from 1 to 3 years
- A removal of the annual statutory declaration, replacing this with an annual direct check of the DVLC licence, which would be more administratively efficient and robust
- The enhanced disclosure check would remain every 3 years, which would be consistent and in line with the increase in the duration of the hackney carriage and private hire driver licence to 3 years
- A phased approach into this to ensure an even distribution of licences expiring within each of the 3 years

5.3 Best Practice guidelines were re-published by the Department of Transport in February 2010. In respect of the duration of driving licences they say:

- *It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme.*
- *However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.*

- 5.4 Section 53(2) of the Local Government (Miscellaneous Provisions) Act, 1976 provides that a Council may recover from the grant of a driver's licence, such fees as they consider reasonable to recover the cost of issue and administration. Consideration of the cost of a driver badge has not been reviewed since 2007
- 5.5 Direct checks on the DVLC Licence can be carried out a number of ways. The most efficient of which is through a private company that specialises in this area. This would require a signed approval from the applicant which can be renewed at application every 3 years and enable annual checks to take place. There are costs associated with this service payable to the selected private company and administration.

**COMMENTS FROM STATUTORY OFFICERS:**

**6. SECTION 151 OFFICER**

- 6.1 The current annual licence fee is £85.00 per annum. This is the equivalent of the proposed £255.00 for a three year licence (£85 x 3) and has the added benefits of securing revenue and the associated cash-flow over a longer term.
- 6.2 Members should however note that the current annual licence fee of £85 has not been subject to any increase since April 2008.

**7. MONITORING OFFICER**

- 7.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies.

**8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

- 8.1 A change in administrative processes has lead to a review in the numbers of staff who would be required to undertake this function. The Council's workforce policies and agreements apply. Full consultation has taken place with employees and Trade Unions.
- 8.2 The impact of any proposals has been fully considered and an equality impact assessment has been undertaken, this has not identified any negative effects on any groups from an equalities perspective.
- 8.3 Consultation has taken place with the taxi liaison group, the taxi trade, financial services and the Licensing Committee. The consultation period with the taxi trade was between 26<sup>th</sup> November 2012 and 22<sup>nd</sup> February 2013. There were 14 responses to the consultation plus a petition lead by the Rossendale Taxi Association. Comparisons have been made with 24 Councils throughout Lancashire and Manchester and the details are appended.

**9. CONCLUSION**

- 9.1 The rationale behind a licensing regime is to provide a service to the public that is accessible and safe and seen to be so. In issuing licences in respect of hackney carriages and private hire vehicles public safety is paramount and the regime is intended to prevent direct danger to the passenger from the driver of the vehicle and, perhaps slightly less danger to the passengers from the vehicle itself or the manner in which it is driven.
- 9.2 Up-to-date benchmarking and comparison data has been obtained and appended to the report.

Background Papers

Document	Place of Inspection
Equality Impact Assessment	Licensing & Enforcement Unit
Consultation responses	Licensing & Enforcement Unit

Appendices

Document	Appendix Number
Taxi trade consultation	<i>Appendix A</i>
Consultation responses breakdown	<i>Appendix B</i>
Hackney carriage driver fees Lancashire, Manchester & Yorkshire	<i>Appendix C</i>
Private hire driver fees Lancashire, Manchester & Yorkshire	<i>Appendix D</i>